

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS KRAEMER,

Plaintiff,

-against-

THE CITY OF NEW YORK; NYPD; DOI; ANDREW :
GUINAN, DOI INSPECTOR; DITSRICT COUNSEL :
37; U.S. MARSHAL, SDNY; MICHAEL :
EDELSTEIN; MICKEY CEKOVIC; LISA SPITALE, :
ESQ.; MARCIE ROMBERGER, ESQ.; SHANNON :
MOORE, ESQ; AMY (FONTNO) DERAYMOND; :
RAYMOND DERAYMOND, ATTORNEY; :
COUNTY OF NORTHAMPTON OFFICE OF THE :
COUNTY EXECUTIVE; NORTHAMPTON :
COUNTY COURT; NORTHAMPTON COUNTY :
MH/MR; MILESTONES COMMUNITY :
HEALTHCARE INC.; NORTHAMPTON COUNTY :
SHERIFF; GRETCHEN KRAEMER, DEPUTY; THE :
EASTON AREA SCHOOL DISTRICT; FREYA :
KOGER, PH.D; THE CITY OF EASTON; EASTON :
POLICE; CVS HEALTH CORPORATE; XEQUIEL :
HERNANDEZ, DR.; DERMONE; CHA J. YU, DR.; :
LAMONT MCCLURE; :

Defendants.
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19-CV-6671 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on April 24, 2020, the Court dismissed this action as legally and factually frivolous, Dkt. 48;

WHEREAS the Court concluded that the action was clearly barred by the applicable statute of limitations and *res judicata*, in addition to being predicated on wholly implausible and delusional allegations of persecution, *id.*;

WHEREAS Plaintiff has submitted a frivolous motion to compel discovery in this closed case, two additional declarations re-litigating the merits of his case, and a motion for reconsideration, Dkts. 49–52;

WHEREAS the motion for reconsideration continues to demand discovery from Defendants, *see* Dkt. 52;

WHEREAS the motion for reconsideration fails to address any of the grounds for dismissal or otherwise provide any rationale for re-opening the case, *see* Dkt. 52;

WHEREAS the motion for reconsideration contains juvenile insults directed at the Court and others, *see* Dkt. 52; and

WHEREAS Plaintiff, as a *pro se* party, has been granted electronic filing privileges, subject to revocation for abuse of such filing privileges, *see* Dkt. 5;

IT IS HEREBY ORDERED that the motion for reconsideration is DENIED. The Court grants a motion for reconsideration “only when the [party] identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr.*, 729 F.3d 99, 104 (2d Cir. 2013) (quotation omitted). “The standard for granting [a motion for reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). Although Plaintiff contends that evidence of wrongdoing will be discovered if the Court were to grant his discovery motions, Plaintiff’s speculation as to evidence of a conspiracy involving the Court’s Pro Se Unit staff has no bearing on the sufficiency of his complaint or the applicability of *res judicata* and the statute of

limitations, each of which is an independent basis for dismissal. In sum, Plaintiff has not come close to meeting his burden for reconsideration, and the Court sees no reason to revive the case.


IT IS FURTHER ORDERED THAT Plaintiff's electronic filing privileges will be immediately revoked if he continues to submit discovery motions or other frivolous filings re-litigating or reciting his allegations in this closed case. Plaintiff is forewarned not to further abuse judicial resources, or else more severe sanctions may be imposed.

The Clerk of Court is respectfully directed to terminate all pending motions and deadlines.

A copy of this Order has been mailed to Plaintiff by chambers staff.

SO ORDERED.

**Date: April 29, 2020
New York, NY**



VALERIE CAPRONI
United States District Judge